

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MARK F. MARCHESE,
FRANK R. BOWMAN, JR.,
Defendants.

) **04 CR 10293 JLT**
)
) CRIMINAL NO.:
)
) Count 1: 18 U.S.C. § 2113(d)
) Armed Bank Robbery
) Count 2: 18 U.S.C. § 922(g)(1)
) Felon in Possession
) of a Firearm
) Count 3: 18 U.S.C. § 924(c)
) Use of a Firearm During
) Crime of Violence

SUPERSEDING INDICTMENT

COUNT ONE: 18 U.S.C. § 2113(d) – Armed Bank Robbery

The Grand Jury charges that:

On or about August 19, 2004, at Malden, in the District of Massachusetts,

MARK F. MARCHESE
and
FRANK R. BOWMAN, JR.,

the defendants herein, did, by force and violence and by intimidation, take from the person and presence of employees of the Citizen's Bank, money in the amount of \$26,664.68, more or less, belonging to and in the care, custody, control, management and possession of the said Citizen's Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation; and in committing the aforesaid offense, the defendants herein did assault and put in jeopardy the lives of other persons by the use of a dangerous weapon, namely, a firearm.

All in violation of Title 18, United States Code, Section 2113(d).

COUNT TWO: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm

The Grand Jury further charges that:

On or about August 19, 2004, at Malden, in the District of Massachusetts,

MARK F. MARCHESE,

the defendant herein, having previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, to wit: one 7.62 x 39 mm Norinco assault-style rifle, Model SKS, bearing serial number 9211689.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE: 18 U.S.C. § 924(c) – Use of a Firearm During Crime of Violence

The Grand Jury further charges that:

On or about August 19, 2004, at Malden, in the District of Massachusetts,

MARK F. MARCHESE
and
FRANK R. BOWMAN, JR.,

the defendants herein, did knowingly use, carry and brandish a firearm, to wit, an assault rifle, during and in relation to the crime of violence charged in Count One of this Indictment, to wit: armed bank robbery, in violation of Title 18, United States Code, Section 2113(d).

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further charges that:

1. The armed robbery that is the subject of Count One involved the taking of the property of a financial institution, as described in U.S.S.G. § 2B3.1(b)(1).
2. The armed robbery that is the subject of Count One involved the brandishment and possession of a firearm, as described in U.S.S.G. § 2B3.1(b)(2).
3. The armed robbery that is the subject of Count One involved a loss of between \$10,000 and \$50,000, as described in U.S.S.G. § 2B3.1(b)(7)(B).
4. At the time of the defendants' commission of the armed robbery that is the subject of Count One, defendant Marchese was 34 years old and had at least two prior felony convictions of either a crime of violence or controlled substance offense, as described in U.S.S.G. § 4B1.1.

A TRUE BILL:

James Burke
FOREMAN OF THE GRAND JURY

27 12 L
PAUL R. MOORE
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS ; October 27, 2004, at *12:40 pm*.

Returned into the District Court by the Grand Jurors and filed.

Maria Simon
DEPUTY CLERK

*10/27/04
@ 12:40 pm*

04 CR 10293 JLT

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency FBICity Malden Related Case Information:County Middlesex Superseding Ind./ Inf. X Case No. 04-10293-JLT
Same Defendant X New Defendant _____
Magistrate Judge Case Number MJ - 04-36-LPC
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name MARK F. MARCHESE Juvenile ☐ Yes ☒ NoAlias Name unknownAddress 219 Russell Street, Everett, MABirth date: 1970 SS#: 4347 Sex: M Race: Caucasian Nationality: USADefense Counsel if known: Ed Hayden Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Paul R. Moore Bar Number if applicable 632312Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody

Location Status:

Arrest Date: August 25, 2004☒ Already in Federal Custody as detainee in Plymouth Co. House / Corrections☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: October 27, 2004 Signature of AUSA: [Signature]

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

04 CR 10293 JLT

District Court Case Number (To be filled in by deputy)

Name of Defendant MARK F. MARCHESE

U.S.C. Citations

Description of Offense ChargedCount NumbersIndex Key/Code

Set 1	<u>18 U.S.C. § 2113(d)</u>	<u>Armed Bank Robbery</u>	<u>1</u>
Set 2	<u>18 U.S.C. § 922(g)(1)</u>	<u>Felon in Possession of Firearm and Ammunition</u>	<u>2</u>
Set 3	<u>18 U.S.C. § 924(c)</u>	<u>Use of a Firearm During a Crime of Violence</u>	<u>3</u>
Set 4	<u></u>	<u></u>	<u></u>
Set 5	<u></u>	<u></u>	<u></u>
Set 6	<u></u>	<u></u>	<u></u>
Set 7	<u></u>	<u></u>	<u></u>
Set 8	<u></u>	<u></u>	<u></u>
Set 9	<u></u>	<u></u>	<u></u>
Set 10	<u></u>	<u></u>	<u></u>
Set 11	<u></u>	<u></u>	<u></u>
Set 12	<u></u>	<u></u>	<u></u>
Set 13	<u></u>	<u></u>	<u></u>
Set 14	<u></u>	<u></u>	<u></u>
Set 15	<u></u>	<u></u>	<u></u>

04010293

District Court Case Number (To be filled in by deputy

Name of Defendant MARK F. MARCHESE

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised USAO 3/7/02)

Criminal Case Cover Sheet

04 CR 10293 JLT

U.S. District Court - District of Massachusetts

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Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name FRANK R. BOWMAN, JR. Juvenile ☐ Yes ☒ NoAlias Name unknownAddress 19 Waters Avenue, Everett, MABirth date: 1971 SS#: 8610 Sex: M Race: Caucasian Nationality: USA

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Paul R. Moore Bar Number if applicable 632312Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☒ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☒ On Pretrial Release: Ordered by Mag. Judge L. Cohen on Oct. 11, 2004Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

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Name of Defendant FRANK R. BOWMAN, JR.

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
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Set 3	<u></u>	<u></u>	<u></u>
Set 4	<u></u>	<u></u>	<u></u>
Set 5	<u></u>	<u></u>	<u></u>
Set 6	<u></u>	<u></u>	<u></u>
Set 7	<u></u>	<u></u>	<u></u>
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Set 9	<u></u>	<u></u>	<u></u>
Set 10	<u></u>	<u></u>	<u></u>
Set 11	<u></u>	<u></u>	<u></u>
Set 12	<u></u>	<u></u>	<u></u>
Set 13	<u></u>	<u></u>	<u></u>
Set 14	<u></u>	<u></u>	<u></u>
Set 15	<u></u>	<u></u>	<u></u>

District Court Case Number (To be filled in by deputy

Name of Defendant FRANK R. BOWMAN, JR.

ADDITIONAL INFORMATION: